

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|----------------------------|---|-------------------------|
| PERCY GREEN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Cause No. 4:05CV198 JCH |
| |) | |
| CITY OF ST. LOUIS, et al., |) | |
| |) | |
| Defendant. |) | |

ORDER

This matter is before the Court on Defendants' Bill of Costs, filed August 24, 2006. (Doc. No. 174). Defendants request reimbursement for fees incurred incident to the taking of depositions, in the amount of \$1,087.10. As a general rule, a court has discretionary power pursuant to 28 U.S.C. § 1920(2) to assess the cost of taking depositions in favor of the prevailing party. Hollenbeck v. Falstaff Brewing Corp., 605 F.Supp. 421, 439 (E.D. Mo. 1984) (citations omitted), aff'd, 780 F.2d 20 (8th Cir. 1985). "A deposition not used at trial can still be taxed so long as it was taken for use at trial and not merely for discovery purposes." Id. The taxability depends on whether the deposition, when taken, was reasonably necessary for use in trial. Koppinger v. Cullen-Schiltz & Assoc., 513 F.2d 901, 911 (8th Cir. 1975).

Upon consideration, the Court finds the depositions Defendants took were reasonably necessary for use in trial. The Court thus will allow Defendants' requested recovery of \$1,087.10, for the expenses incurred in taking depositions.

CONCLUSION

Accordingly,

IT IS HEREBY ORDERED that Defendants' Bill of Costs (Doc. No. 174) is **GRANTED**,
and the Court will tax costs against Plaintiff, in the amount of \$1,087.10.

Dated this 19th day of December, 2007.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE